



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN**

**GERALD C. MANN  
ATTORNEY GENERAL**

**Hon. Marvin M. Brown, Jr.  
Criminal District Attorney  
Fort Worth, Texas**

**Dear Sir:**

**Att'n: Mr. Harry N. Ward, Assistant Criminal District Attorney.**

**Opinion No. 0-918**

**Re: Authority of commissioners' court to require county officials to pay into County General Fund amount of office expenses.**

**This will acknowledge receipt of your letter of June 2, 1939, in which you asked the following question:**

**"Is the commissioners' court of Tarrant County acting within its authority in requiring county officials to pay into the County General Fund the individual office expenses of office supplies, books, stationery, printing, and telephone from the individual officers' salary fund maintained by each office, the fund arising either from fees of office or remittances from the County General Fund?"**

**You then give a statement of facts, in which you show that each individual office maintains its own officer's salary fund, the money in the fund accruing either from fees of office or from remittances from the county General Fund. All office supplies, books, stationery, and printing are bought by the purchasing department of Tarrant County and are paid for from the County General Fund after being properly approved by the auditor. All such supplies are kept by the purchasing department and issued to the various**

officials upon requisition. At the end of each month, the county auditor bills each official for the costs of the supplies used during the month by the department and requires that each official pay from its officer's salary fund to the County General Fund the cost of such supplies used; likewise, the telephone expense of each office is paid originally from the County General Fund and in turn billed to each official.

We presume the county procures its office supplies, stationery, printing, etc., in accordance with the provisions of Articles 2358, et seq., R. C. S., 1925, and the generally recognized rule that the commissioners' court is vested with power to manage and direct the financial affairs of the county.

See 11 Tex. Jur. 603;

Sparks v. Kaufman County (Civ. App., writ refused), 194 S. W. 605.

The maintenance of an officer's salary fund by each office in counties of more than 190,000 population is sanctioned by section 19(1) of article 5912e, Vernon's Annotated Revised Civil Statutes. This statute contains the following language:

**\*\* \* \* such fund shall be kept separate and apart from all other county funds and shall be held and disbursed for the purpose of paying the salary of such officer, the salaries of his deputies, assistants, clerks, stenographers, and investigators who are authorized to draw a salary from said fund under the provisions of this section and to pay the authorized and approved expenses of his office \*\*\* (Underlining ours).**

Subsection (k) of the same Act contains the following:

**\* \* \* \* the commissioners' court shall transfer from the General Fund of the County**

to any officer's Salary Fund of such county such funds as may be necessary to pay the salaries and other legally authorized claims \* \* \* (Underlining ours)."

Subsection (1) contains the following pertinent language:

"And such officer shall be entitled to file claims for and issue warrants in payment of all actual and necessary expenses incurred by him in the conduct of his office, such as stationery, stamps, telephone, traveling expenses, premiums on deputies' bonds, and other necessary expenses \* \* \*

"At the close of each month of the tenure of his office, each officer named herein shall make as a part of the report required by subsection (c) of this section an itemized and sworn statement of all expense claims paid during said month \* \* \* Such deputies, assistants, clerks, or other employees as well as expenses shall be paid from the Officer's Salary Fund in cases in which the officer is on a salary basis, \* \* \* (Underlining ours)."

The foregoing provisions of Vernon's Art. 3912e, Sec. 19, are a part of the original Officer's Salary Bill passed by the Forty-fourth Legislature at its Second Called Session. (General and Special Laws of Texas, Forty-fourth Legislature, Vol. 3 at p. 1774, et seq.) This legislation was approved on November 15, 1935 and by its own terms became effective on January 1, 1936.

Article 3899b of Vernon's Annotated Civil Statutes, cited by you, is not deemed by us to be in conflict with the Officer's Salary Bill, but may be construed in consonance therewith. However, if there be conflict, the statute last receiving approval would control. Art. 3899b was passed originally in 1929, the last amendment thereto becoming the law

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May 17, 1935.

From the above and foregoing we conclude the commissioners' court of Tarrant County is within its legal power in requiring the various county and district officials to pay the various items of expenses mentioned, and that the General Fund must be reimbursed as provided.

Yours very truly

ATTORNEY GENERAL OF TEXAS

BY (s) Benjamin Woodall  
Assistant

BW:OMB

APPROVED JUN 21, 1939  
GERALD C. MANN  
ATTORNEY GENERAL OF TEXAS

APPROVED  
Opinion Committee  
By G. C. C. Chairman